

Translation

PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT-136	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AT2004/000119	International filing date (day/month/year) 07.04.2004	Priority date (day/month/year) 09.04.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SATTLER AG			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>18</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
<p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AT2004/000119

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:

pages 10-17 as originally filed/furnished
 pages* 1-9, 9b received by this Authority on 21.02.2005 with letter of 21.02.2005
 pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished
 nos.* _____ as amended (together with any statement) under Article 19 21.02.2005 with letter of 21.02.2005
 nos.* 1-28 received by this Authority on 21.02.2005
 nos.* _____ received by this Authority on _____

the drawings:

sheets 1/7-7/7 as originally filed/furnished
 sheets* _____ received by this Authority on _____
 sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. 29 _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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1. Statement

Novelty (N)	Claims	1-28	YES
	Claims		NO
Inventive step (IS)	Claims	1-28	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

This report makes reference to the following documents:

D1: EP-A-0 596 807

D2: FR-A-1 548 635

D3: DE 33 20 212 A

D4: DE 33 10 895 A

D5: EP-A-0 021 834

D6: DE 36 07 296 C

D7: US-A-3 375 321

D8: US-A-4 297 813

D9: FR-A-2 117 339

1. Independent claim 1

Document D1 discloses (see, in particular, figures 2 and 18) the combination of features defined in claim 1, as follows:

- a membrane wall element for erecting a tent or hall structure, the element comprising at least two wall membranes (3) and stretch elements (103-106), it being possible to stretch the at least two wall membranes (3) at opposite end sections by means of the stretch

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PCT/AT2004/000119Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

elements (103-106), and the two wall membranes being spaced apart by at least one rigid spacer (103-106) in such a way that a cavity is formed between the at least two wall membranes.

(D2, D3, D4 and D5 also disclose the above-mentioned combination of features.)

The subject matter of claim 1 differs from the disclosure of document D1 in that:

(A) at least one rigid spacer (2) separate from the stretch elements (5) is linked in an articulated manner to opposite inner sides of the at least two wall membranes (1A, 1B, 1C), so that in the stretched state of the at least two wall membranes (1A, 1B, 1C), the spacer (2) is adjusted by the tension applied to the wall membranes in such a way that the at least two wall membranes (1A, 1B, 1C) are kept apart.

The present invention can therefore be considered to address the problem of providing a wall element of the generic type which, although it is easy to erect and does not require the application of compressed air, possesses very good thermal properties.

The tension applied to the wall membranes adjusts the at least one spacer in such a way that it keeps apart the wall membranes, forming a thermally insulating air cushion.

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This is not the case of the devices in documents D1-D5, in which asymmetries may very easily arise, so that one of the foil surfaces of the double foil is stretched, while the other in remains in a slack state.

None of the available documents suggests feature (A). The subject matter of claim 1 therefore meets the requirements of PCT Article 33(2).

5.2 Independent claim 24

Claim 24 discloses a tent or hall structure using a wall element having the combination of features in claim 1 and thus also meets the requirements of PCT Article 33(2) and 33(3).

5.3 Dependent claims 2-23 and 25-28

Claims 2-23 are dependent on claim 1 and claims 26-28 are dependent on claim 24. They therefore also meet the PCT novelty and inventive step requirements.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

BOX I**Basis of the report****Inadmissible extension**

The amendments submitted with the letter of 31 July 2000 introduce substantive matter which goes beyond the original disclosure in the international application as filed, thereby contravening PCT Article 34(2) (b). This concerns the following amendment:

Claim 29

The term "central" (line 10) is not supported by the original documents.

Pursuant to PCT Rule 70.2, this report has been established without taking into account claim 29.